IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 566 of 2007(P)

PETITIONER:

CHERUVANNUR GRAMEENA KALIMANNU
VYAVASAYA SANGHAM LTD.,NO.KVIND (D)2,
KOLATHARA P.O., CALICUT, REPRESENTED
BY ITS PRESIDENT, C.K.KRISHNA DAS,
S/O.APPU, CHEROOL KUNNATHU HOUSE P.O.,
FEROKE, KOZHIKODE.

BY ADV. SRI.NIRMAL. S

RESPONDENTS:

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1. PROJECT OFFICER (REGISTRAR)
KERALA KHADI VILLAGE INDUSTRIES OFFICE,
KOZHIKODE.

2. T. SUKUMARAN, THIRUMUGHATHU,
P.O. KOLATHARA, KOZHIKODE.

3. E. SUNDARAN, ILAYIDATHU HOUSE,
P.O.KOLATHARA, KOZHIKODE.

4. T. SAMY, THARAMMEL HOUSE,
P.O.KOLATHARA, KOZHIKODE.

BY ADV. SRI.SUNNY MATHEW
SRI.K.P.HARISH,SC,KERALA KHADI BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 566 of 2007(P)

A P P E N D I X

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE BYE-LAW OF CHERUVANNUR GRAMEENA KALIMANNU VYAVASAYA SANGHAM LTD. NO.KVIND (D)2.

EXT.P2 TRUE COPY OF SHOW CAUSE NOTICE KB 4968/06/CO-OP DATED 26/09/2006

EXT.P3 TRUE COPY OF REPLY DATED 11/10/2006 SENT BY PETITIONERS

EXT.P4 TRUE COPY OF JUDGMENT DATED 20/12/2006 IN WPC NO.33963/2006

EXT.P5 TRUE COPY OF ORDER DATED 01/01/2007 OF THE 1ST RESPONDENTs

EXT.P6 TRUE COPY OF PAGES 166 TO 168 OF THE MINUTES BOOK SHOWING THE TERM OF THE COMMITTEE

EXT.P7 TRUE COPY OF PAGES 194 TO 201 OF THE MINUTES BOOK SHOWING THE TERM OF THE COMMITTEE

EXT.P8 TRUE COPY OF LETTER 30/09/2006 SENT BY PETITIONER TO THE 1ST RESPONDENTs

EXT.P9 TRUE COPY OF LETTER NO.3184/2006-07 DATED 28/10/2006 SENT BY 1ST RESPONDENT TO THE PETITIONERS

EXT.P10 TRUE COPY OF LETTER DATED 29/12/2006 SENT BY THE 1ST RESPONDENT TO THE PETITIONERS.

EXT.P11 TRUE COPY OF THE LETTER DATED 18/12/2004 SENT TO THE SECRETARY, KHADI GRAMA VYAVASAYA BOARD BY THE MEMBERS OF THE SOCIETY

EXT.P12 TRUE COPY OF TELEGRAM ALONG WITH RECEIPT DATED 07/11/2006

EXT.P13 TRUE COPY OF LETTER TOGETHER WITH POSTAL RECEIPT AND ACKNOWLEDGMENT CARD SENT BY PETITIONER TO THE 1ST RESPONDENT.

RESPONDENT'S EXTS:

EXT.R1(a) PHOTOCOPY OF THE COMMUNICATION DATED 15/11/2006 SENT TO THE PETITIONER

EXT.R1(b) PHOTOCOPY OF THE COMPLAINT FILED BY THE MEMBERS OF THE GENERAL BODY

EXT.R1(c) PHOTOCOPY OF THE EXPLANATION IN RESPONSE TO EXT.P10.

\\TRUE COPY//

J.M.JAMES, J.

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W.P.(C) No. 566 of 2007 (P)

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Dated this the 25th day of January, 2007

J U D G M E N T

The writ petitioner is a Society. The term of office of the Board of Directors is for three years, as per the existing bye-laws of the Society. However, it has amended the bye-laws, extending the term of the Board of Directors from three years to five years. As per the letter dated 30/09/2006, the same had been sent to the first respondent, for approval. The counsel for the writ petitioner submits that no action had been taken on the amendment sought for and, meanwhile, the term of three years had expired. Consequently, steps have been initiated under Section 33(1) of the Kerala Co-operative Societies Act, 1969. The writ petitioner had approached this Court through W.P(C) No.33963/2006 and as per Exhibit P4 judgment dated 20/12/2006, I had directed the first respondent to issue notice under Rule 65(5) of the Kerala Co-operative Society Rules and dispose of the petition pending before it, after giving reasonable opportunity of hearing the Society, or

the person(s) who conduct the affairs of the Society. No orders are passed, submits counsel for the writ petitioner.

2. The writ petitioner further complaints that because of extraneous reasons, the first respondent had kept the amended bye-laws with him and, therefore, the term of office of the Board of Directors was allowed to expire. The learned counsel appearing for the first respondent submits that they had received different complaints from various persons, including written complaint from 65 members and the same have been communicated to the writ petitioner Society, as could be seen from Exhibit P10 dated 29/12/2006. It is also submitted by the counsel that as the Registrar has to be satisfied of the bona fide of the amendment sought for by the writ petitioner Society, documents have been called for. Instead of sending proper documents, the writ petitioner sent reply dated 11/01/2007, stating unnecessary matters and also threatening the first respondent.

3. After hearing both sides and appreciating the materials that are placed before me, I direct the first respondent to hear the writ petitioner and, if found necessary, dispose of the request for amendment of the bye-laws, taking into account other

complaints, which had been allegedly filed by 65 members of the writ petitioner Society, at the earliest, in any case, within two weeks from today.

4. The status quo ordered by this Court shall continue till such time. I make it clear that the disposal of this writ petition will not affect either parties resorting to legal remedies that will be available to them, as per the Kerala Co-operative Societies Act and Rules.

(J.M.JAMES)
Judge

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